

04-17-06

Page 1 of 3

DJZ

FEE TRANSMITTAL FOR FY 2006

Effective on 10/01/2005. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

TOTAL AMOUNT OF PAYMENT (\$) 0

Complete if Known:

Application No. 09/845,088

Filing Date April 26, 2001

First Named Inventor J.J. Garcia Luna-Aceves

Examiner Name Siddiqi, Mohammad A.

Art Unit 2154

Attorney Docket No. 5543P003

Confirmation No. 1603

Applicant claims small entity status. See 37 CFR 1.27.

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify)

Deposit Account

Deposit Account Number : 02-2666

Deposit Account Name: _____

The Director is Authorized to do the following with respect to the above-identified Deposit Account:

Charge fee(s) indicated below.

Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.

Charge fee(s) indicated below except for the filing fee

Credit any overpayments.

Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

Warning: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Large Entity	Small Entity	Fee Description	Fees Paid (\$)		
Fee	Fee	Fee	Fee		
Code	(\$)	Code	(\$)		
1011	300	2011	150	Utility application filing fee	1,000/500
1111	500	2111	250	Utility search fee	
1311	200	2311	100	Utility examination fee	
1012	200	2012	100	Design application filing fee	
1112	100	2112	50	Design search fee	
1312	130	2312	65	Design examination fee	
1013	200	2013	100	Plant filing fee	
1113	300	2113	150	Plant search fee	
1313	160	2313	80	Plant examination fee	
1004	300	2004	150	Reissue filing fee	
1114	500	2114	250	Reissue search fee	
1314	600	2314	300	Reissue examination fee	
1005	200	2005	100	Provisional application filing fee	
SUBTOTAL (1) \$			<u>0</u>		

2. EXCESS CLAIM FEES

<u>Extra Claims</u>				<u>Fee from below</u>	<u>Fees Paid (\$)</u>
Total Claims	– 20 or HP =			X	=
HP = highest number of total claims paid for, if greater than 20					
Independent Claims	– 3 or HP =			X	=
HP = highest number of independent claims paid for, if greater than 3					
Multiple Dependent Claims					=
Large Entity	Small Entity				
Fee Code	Fee (\$)	Fee Code	Fee (\$)	<u>Fee Description</u>	
1202	50	2202	25	Each claim over 20	
1201	200	2201	100	Each independent claim over 3	
1203	360	2203	180	Multiple dependent claims, if not paid	
1204	200	2204	100	Reissue: each claim over 20 and more than in the original patent	
1205	50	2205	25	Reissue: each independent claim more than in the original patent	
SUBTOTAL (2) \$ <u>0</u>					

3. APPLICATION SIZE FEE

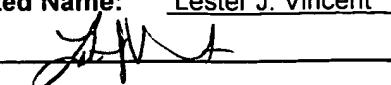
If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each add'l 50 or fraction thereof</u>	<u>Fee from below</u>	<u>Fees paid (\$)</u>	
— 100 =	/ 50 =	(round up to whole number)	X		
Large Entity	Small Entity				
Fee Code	Fee (\$)	Fee Code	Fee (\$)	<u>Fee Description: Application size fee for each additional group of 50 sheets beyond initial 100 sheets</u> (count spec & drawings except sequences & program listings):	
1081	250	2081	125	Utility	
1082	250	2082	125	Design	
1083	250	2083	125	Plant	
1084	250	2084	125	Reissue	
SUBTOTAL (3) \$ <u>0</u>					

FEE CALCULATION (continued)**4. OTHER FEE(S)**

<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description</u>	<u>Fees Paid (\$)</u>
Non-English Specification, \$130 fee (no small entity discount)			
Fee Code	Fee (\$)	Fee Code (\$)	
1051	130	2051	65 Surcharge - late filing fee or oath
1052	50	2052	25 Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130 Non-English specification
1812	2,520	1812	2,520 For filing a request for ex parte reexamination
1813	8,800	1813	8,800 Request for inter parties reexamination
1804	920*	1804	920* Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840* Requesting publication of SIR after Examiner action
1251	120	2251	60 Extension for reply within first month
1252	450	2252	225 Extension for reply within second month
1253	1,020	2253	510 Extension for reply within third month
1254	1,590	2254	795 Extension for reply within fourth month
1255	2,160	2255	1,080 Extension for reply within fifth month
1401	500	2401	250 Notice of Appeal
1402	500	2402	250 Filing a brief in support of an appeal
1403	1,000	2403	500 Request for oral hearing
1451	1,510	1451	1,510 Petition to institute a public use proceeding
1452	500	2452	250 Petition to revive - unavoidable
1453	1,500	2453	750 Petition to revive - unintentional
1501	1,400	2501	700 Utility issue fee (or reissue)
1502	800	2502	400 Design issue fee
1503	1100	2503	550 Plant issue fee
1462	400	1462	400 Petitions to the Commissioner (CFR 1.17(f) Group I)
1463	200	1463	200 Petitions to the Commissioner (CFR 1.17(g) Group II)
1464	130	1464	130 Petitions to the Commissioner (CFR 1.17(h) Group III)
1807	50	1807	50 Processing fee under 37 CFR 1.17(q)
1806	180	1806	180 Submission of Information Disclosure Stmt
8021	40	8021	40 Recording each patent assignment per property (times number of properties)
1809	790	2809	395 For filing a submission after final rejection (see 37 CFR 1.129(a))
1814	130	2814	65 Statutory Disclaimer
1810	790	2810	395 For each additional invention to be examined (see 37 CFR 1.129(b))
1801	790	2801	395 Request for Continued Examination (RCE)
1802	900	1802	900 Request for expedited examination of a design application
1504	300	1504	300 Publication fee for early, voluntary, or normal pub.
1505	300	1505	300 Publication fee for republication
1803	130	1803	130 Request for voluntary publication or republication
1808	130	1808	130 Processing fee under 37 CFR 1.17(i) (except provisionals)
1454	1,370	1454	1,370 Acceptance of unintentionally delayed claim for priority
Other fee (specify) _____			
Other fee (specify) _____			
SUBTOTAL (4) \$			0

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:Typed or Printed Name: Lester J. VincentSignature: Date: April 14, 2006Reg. Number: 31,460Telephone Number: 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



Attorney's Docket No.: 5543P003

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/845,088

Applicant: J.J. Garcia Luna-Aceves

Filed: April 26, 2001

Art unit: 2154

Examiner: Siddiqi, Mohammad A.

Docket No.: 5543P003

Customer No.: 08791

Confirmation No.: 1603

"Express Mail" mailing label number: EV 471134956US

Date of Deposit: APRIL 14, 2006

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Cathy A. Kerr

(Typed or printed name of person mailing paper or fee)

Cathy A. Kerr

(Signature of person mailing paper or fee)

April 14, 2006

(Date signed)

Mail Stop Appeal Brief-Patents
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TRANSMITTAL OF APPEAL BRIEF (TWICE CORRECTED) IN
RESPONSE TO NOTICE OF NONCOMPLIANT APPEAL BRIEF**

Sir:

This Appeal Brief is hereby submitted pursuant to 37 C.F.R. § 41.37.

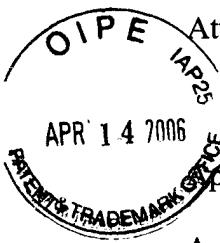
If there are any additional fees associated with this communication, please charge our deposit account 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 04/14/2006

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Cathy A. Kerr

(Typed or printed name of person mailing paper or fee)

Cathy A. Kerr

(Signature of person mailing paper or fee)

April 14, 2006

(Date signed)

Mail Stop Appeal Brief-Patents
Commissioner of Patents
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Alexandria, VA 22313-1450

APPEAL BRIEF (TWICE CORRECTED)
IN SUPPORT OF APPELLANT'S APPEAL
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

This Appeal Brief (Twice Corrected) is submitted in response to the Notification of Non-Compliant Appeal Brief mailed March 14, 2006. This Brief is submitted in support of this appeal from a final decision of the Examiner, mailed April 27, 2005 and an Advisory Action mailed July 8, 2005. Consideration of this appeal by the Board of Patent Appeals and Interferences for allowance of the above-captioned patent application is respectfully requested.

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I. REAL PARTY IN INTEREST

The real party in interest is Adara Networks, Inc. a corporation of Florida having a place of business at 10 Victor Square, Scotts Valley, CA 95066.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences. The present application is related to the following co-pending applications: 09/810,148; 09/843,789; 09/844,759; 09/844,856; and 09/844,857.

III. STATUS OF CLAIMS

Claims 1 – 21 were finally rejected in an Office Action mailed April 27, 2005. Claims 12-21 have been canceled. Claims 1-11 are pending and are the subject of this appeal.

IV. STATUS OF AMENDMENTS

An amendment was filed on June 20, 2005, subsequent to the Final Office Action mailed on April 27, 2005. The Examiner entered the amendment and confirmed the final rejection of claims 1-11 in an Advisory Action mailed July 8, 2005. A copy of all claims on appeal is attached hereto as a Claims Appendix.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Claim 1, the only independent claim on appeal, reads¹ as follows:

A method, comprising:

directing a client's (105) request (402) for an information object to an information object repository (218) without regard as to whether the information object is actually stored at the information object repository; and

determining (404, 408), according to information included in a uniform resource locator (URL) whether the client is authorized to receive the information object.

Claim 1 thus refers to a method of determining whether a client is authorized to receive content that the client is requesting from an information object repository (e.g., a cache) according to information included in a URL.

Further discussion of an embodiment of this method is at paragraphs 79 et seq. (starting at page 35 of the specification) of the present application. To summarize, the present invention includes an access control mechanism that allows owners of information objects (i.e., content) stored in caches or other information object repositories to control access thereto based on an access control label which may be included in the URLs for the content. (specification at pages 35-36, paragraph 0079). Such control is provided, for example, by (1) assigning a set of access control labels to each user (e.g., network providers, content owners, etc.) for use in specifying the access control list to be used for a given URL, and (2) allowing the user to maintain the access control lists corresponding to the user's labels. (specification at pages 35-36, paragraph 0079).

Given a system defined by such access control labels and the corresponding access control lists, security may be enforced by the cache servers (or other information object repositories), for example by allowing each cache server to store the current access control lists for all active labels. (specification at page 36, paragraph 0080). In such cases, and as shown in Figure 4 of the present application, in response to receiving an HTTP request with a URL (e.g., from a client or other network component) for an information object (i.e., content), the cache determines (404) whether the correct access control label included in that URL is valid (i.e.,

¹ Reference numbers as used in the drawings have been inserted in accordance with 37 C.F.R. § 41.37(c)(1)(v). The use of such reference

numbers should in no way be read as limiting the claim to the illustrated embodiment.

according to the stored access control list). If not, the cache delivers an “unauthorized access” message to the requesting client. Otherwise, the cache further decides (408) whether additional client identifying information included in the URL is valid. If not, the cache delivers the unauthorized access message; otherwise the cache delivers the requested information object. (specification at pages 36-37, paragraph 0082; page 37, paragraph 0083).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1 – 11 were rejected under 35 U.S.C. § 103 as being unpatentable over McCanne et al., US 6,415,323, in view of Shanumgam et al., US 6,708,187.

VII. ARGUMENT

A. Claims 1 – 11 are patentable over McCanne and Shanumgam, which, when considered in combination, fail to teach the use of “information included in a uniform resource locator (URL)” to determine whether a client is authorized to receive requested content.

Combining the teachings of McCanne and Shanumgam, does not yield the invention recited in claim 1 of the present application. McCanne describes a redirection system in which packets are routed from a client to a service node based on topological locality. McCanne at col. 5, ll. 21 – 25. When the service node to which a client request is made does not have a copy of the requested content, additional information in the URL is used to identify the particular location for the content in question. McCanne at col. 9, ll. 52 – 54. Shanumgam, on the other hand, describes a LDAP database synchronization scheme in which user domain information is used to authenticate a user for access to a network resource. Shanumgam at col. 5, ll. 46 – 58. If such an authentication policy were adopted in the redirection scheme described by McCanne, one of ordinary skill in the art would be led to believe that user domain information (and NOT any URL information) should be used to authenticate clients as part of a content request. URL information on the other hand would be used to determine which content server to retrieve the requested content from, as taught by McCanne.

In contrast, claim 1 of the present application specifically recites the use of “information included in a uniform resource locator (URL)” to determine whether the client is authorized to receive the requested content. This is markedly different from the scheme that results from a combination of McCanne and Shanumgam and is yet another reason why the rejection of claim 1 should be reversed.

Claims 2 – 11 depend from claim 1 and are patentable over McCanne and Shanumgam for at least the same reasons as set forth above.

B. The combination of McCanne and Shanumgam is based on impermissible hindsight and no adequate motivation or other reasons for combining these teachings has been presented.

In rejecting claims under 35 USC § 103, the examiner bears the initial burden of presenting a *prima facie* case of obviousness. See, *In re Rijckaert*, 9 F.3d 1531, 1532 (Fed. Cir. 1993). A *prima facie* case of obviousness is established by presenting evidence that the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the references before him to make the proposed combination or other modification. See *In re Lintner*, 458 F.2d 1013, 1016 (CCPA 1972). Furthermore, the conclusion that the claimed subject matter is *prima facie* obvious must be supported by evidence, as shown by some objective teaching in the prior art or by knowledge generally available to one of ordinary skill in the art that would have led that individual to combine the relevant teachings of the references to arrive at the claimed invention. See *In re Fine*, 837 F.2d 1071, 1074 (Fed. Cir. 1988). Rejections based on Section 103 must rest on a factual basis with these facts being interpreted without hindsight reconstruction of the invention from the prior art. The examiner may not, because of doubt that the invention is patentable, resort to speculation, unfounded assumption or hindsight reconstruction to supply deficiencies in the factual basis for the rejection. See *In re Warner*, 379 F.2d 1011, 1017 (CCPA 1967) cert. denied, 389 U.S. 1057 (1968). Indeed, the U.S. Court of Appeals for the Federal Circuit has repeatedly cautioned against employing hindsight by using the applicant's disclosure as a blueprint to reconstruct the claimed invention from the isolated teachings of the prior art. See, e.g., *Grain Processing Corp. v. American Maize-Products Co.*, 840 F.2d 902, 907 (Fed. Cir. 1988).

When determining obviousness, “the [E]xaminer can satisfy the burden of showing obviousness of the combination only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.” *In re Lee*, 277 F.3d 1338, 1343 (Fed. Cir. 2002) citing *In re Fritch*, 972 F.2d 1260, 1265 (Fed. Cir. 1992). **“Broad conclusory statements regarding the teachings of multiple references, standing alone, are not evidence.”** *In re Dembiczkak*, 175 F.3d 994, 999 (Fed. Cir. 1999) (emphasis added).

Turning to claim 1 of the present application, the Final Office Action states that many of the features of claim 1 are to be found in the McCanne reference, but that the feature of “client authorization” is not so taught. To make up for this deficiency, the Office Action cites Shanumgam and then asserts “it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine McCanne with Shanumgam because it would provide the trusted computing based concept, discretionary access control, labels, mandatory access controls, object reuse, audit, identification and authentication, trusted path, and security testing. This broad statement of what would be “obvious” to one of ordinary skill in the art is precisely the kind of rationale for rejecting claims of a pending application that the Federal Circuit has repeatedly held is impermissible. Simply stating, as in the present Office Action, that since reference 1 teaches “A” and reference 2 teaches “B” it would therefore be obvious to combine them to arrive at the claimed invention does not meet the USPTO’s burden of establishing a *prima facie* case of obviousness. If anything it tends to suggest that impermissible hindsight reconstruction has been used to decompose the invention into various constituent parts, locate those parts in various teachings, and then use the specification as a blueprint for assembling the invention out of those teachings. This is especially true where, as here, the combination suggested in the Office Action does not even yield the claimed invention. Consequently, the present rejections should be reversed.

VIII. CONCLUSION

For at least the foregoing reasons, appellants respectfully request reversal of the Examiner's rejections as set forth in the Final Office Action and request that the Board direct allowance of claims 1 – 11.

If there are any additional fees associated with this communication, please charge our deposit account 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 04/14/2006

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IX. CLAIMS APPENDIX (37 C.F.R. § 41.37(c)(1)(viii))

The claims on appeal read as follows:

1. (Original) A method, comprising:

directing a client's request for an information object to an information object repository without regard as to whether the information object is actually stored at the information object repository; and

determining, according to information included in a uniform resource locator (URL) whether the client is authorized to receive the information object.

2. (Original) The method of claim 1 wherein the information object repository is selected according to specified performance metrics.

3. (Original) The method of claim 2 wherein the specified performance metrics comprise one or more of: average delay from the information object repository to the client, average processing delays at the information object repository, reliability of a path from the information object repository to the client, available bandwidth in said path, and loads on the information object repository.

4. (Original) The method of claims 2 further comprising instructing the information object repository to obtain a copy of the information object.

5. (Original) The method of claim 2 wherein the information included in the URL comprises information identifying the requesting client.
6. (Original) The method of claim 5 wherein the information included in the URL further comprises information identifying an owner of the information object.
7. (Original) The method of claim 2 wherein the information included in the URL comprises one or more digital signatures.
8. (Original) The method of claim 7 wherein the one or more digital signatures identify one or more of: the requesting client, and an owner of the information object.
9. (Original) The method of claim 2 wherein the information included in the URL is compared with an access list at the information object repository to determine whether the client is authorized to receive the information object.
10. (Original) The method of claim 2 further comprising denying access to the information object if the client is not authorized to receive the information object, otherwise, returning the information object to the client.

11. (Original) The method of claim 2 wherein the information included in the URL comprises multiple digital signatures and each digital signature is compared with an access list at the information object repository to determine whether the client is authorized to receive the information object.

Claims 12 – 21 (Canceled)

X. EVIDENCE APPENDIX

There is no evidence being relied upon by appellant in this appeal and therefore no documentation to be included in this Evidence Appendix.

XI. RELATED PROCEEDINGS APPENDIX

There are no related proceedings and therefore no documentation to be included in this Related Proceedings Appendix.